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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/755,839      | 01/12/2004  | Kevin R. Pierce      |                     | 8434             |

20606 7590 05/06/2005

KEITH FRANTZ  
401 WEST STATE STREET  
SUITE 200  
ROCKFORD, IL 61101

EXAMINER

HARRIS, ANTON B

ART UNIT PAPER NUMBER

2831

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/755,839

Applicant(s)

PIERCE, KEVIN R.

Examiner

Anton B. Harris

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohnen (6,098,825) in view of Vrame (6,462,278).

Regarding claim 1, Kohnen (col. 5, line 55 – col. 6, line 67) discloses a unitary construction adapter plate comprising:

top 31 and bottom 31 sides,  
left 30A and right 30B sides extending between the top 31 and bottom 31 sides,  
a back side 24 extending between the top 31, bottom 31 and left 30A and right 30B sides,  
and having a smooth curvature 53 complimentary to the curvature of the exposed face of the log 52 for snug installation thereto and tracking engagement therewith,  
a front side 41 extending between the top 31, bottom 31 and left 30A and right 30B sides,  
and having cover support zone for supporting engagement with the flat back side perimeter of the cover 41, and (ii) substantially flat support zone pads 33 at opposite ends thereof for supporting engagement with the positioning tabs of the box 22,  
a generally rectangular center opening 36 extending from the front side

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through to the back side 24, the center opening 36 being sized to slidably receive the box (not shown) therethrough, but lacks a flat generally surrounding cover support zone.

Vrame (figure 1) teaches a flat generally surrounding cover support zone 40.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Kohnen by providing a flat generally surrounding cover support zone in order to secure the cover to the box in view of the teachings of Vrame.

Furthermore, the limitations of “for supporting engagement” and “for snug installation” in claim 1 have been considered, but do not result in a structural difference. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Regarding claim 2, Kohnen (col. 5, line 55 – col. 6, line 67) discloses a method comprising:

providing

an electrical box 22,

an electrical component (col. 6, lines 14-20) having positioning tabs on opposite ends thereof,

a cover 41 having a flat back side perimeter, and

an adapter plate comprising:

surrounding top 31, bottom 31, left 30A and right 30B sides,

a back side having a smooth curvature 53 complimentary to the curvature of the exposed face of the log 52 for snug installation thereto and tracking engagement therewith,

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a front side 41 having a generally surrounding cover support zone for supporting engagement with the flat back side perimeter of the cover 41, and substantially flat support zone pads 33 at opposite ends thereof for supporting engagement with the positioning tabs of the box 22, and a center opening 36 extending from the front side through to the back side, the center opening 36 being sized to slidably receive the box (not shown) therethrough; forming an opening 36 sized to receive the electrical box (not shown) in the log through the curved exposed face 52 of the log;

installing the electrical box into the opening 36 in the adapter plate;

securing the electrical box (not shown) and adapter plate to the curved exposed face 52 of the log with the electrical box (not shown) extending into the opening in the log;

securing the positioning tabs of the electrical component to the zone pads 33 of the adapter plate; and securing the cover 41 to the electrical component with the flat back side perimeter of the cover 41 in contact engagement with the cover support zone (figure 3) of the adapter plate, but lacks a flat generally surrounding cover support zone.

Vrame (figure 1) teaches a flat generally surrounding cover support zone 40.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Kohnen by providing a flat generally surrounding cover support zone in order to secure the cover to the box in view of the teachings of Vrame.

### ***Conclusion***

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anton B Harris whose telephone number is (571) 272-1976. The examiner can normally be reached on weekdays from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr.

Dean Reichard, can be reached on (571) 272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

abh

5/2/05



**CHAU N. NGUYEN**  
**PRIMARY EXAMINER**